

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number 1018-0101

Monitoring Recovered Species After Delisting as Required Under Section 4(g) of the Endangered Species Act – American Peregrine Falcon

FWS Forms 3-2307, 3-2308, and 3-2309

March 21, 2005

Specific Instructions

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.***

The American peregrine falcon was removed from the List of Endangered and Threatened Wildlife on August 25, 1999. Section 4(g) of the Endangered Species Act requires that all species that are recovered and removed from the List of Endangered and Threatened Wildlife (delisted) be monitored in cooperation with the States for a period of not less than 5 years. The purpose of this requirement is to detect any failure of a recovered species to sustain itself without the protections of the ESA.

The information collection requirements in this submission implement the regulatory requirements of the ESA (16 U.S.C. 1539), which are contained in Fish and Wildlife Service (we/Service) regulations in Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations (CFR).

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]***

FWS Forms 3-2307, 3-2308, and 3-2309 are filled out by professional biologists employed by Federal and State agencies and other organizations, and by volunteers who have been involved in past peregrine falcon conservation efforts. The egg and feather contaminants data sheets (FWS Forms 3-2308 and 3-2309) are filled out by biologists with permits to collect eggs and feathers at nest sites, as described in the "Monitoring Plan for the American Peregrine Falcon: A Species Recovered Under the Endangered Species Act," Fish and Wildlife Service, Division of Endangered Species and Division of Migratory Birds and State Programs, Portland, OR, 53 pp., 2003. The obligation to provide the information is voluntary. Nest data are collected every 3 years, and were last collected in 2003. A report of the indicators chosen to monitor the health of peregrine populations, territory occupancy, nest success, and productivity will be published by June 2005.

All of the data requested on the nest monitoring and contaminants forms are required for later analyses. On the nest monitoring forms, the location and observer information are critical for proper attribution of the data, and contact with observers if there is some question as to what was observed. The information requested about observation post, the peregrines observed, and nest contents helps interpret the observations made about the likely nest stage and outcome of the nesting attempt. The questions asked on the contaminants data sheets all help with ultimate interpretation of the quality, origin, and quantity of the samples submitted for analyses.

- 3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].***

About half of the forms are submitted electronically. We leave it up to the States or biologists/volunteers how they want to submit the data. The forms will be available online in a fillable format and the completed forms can be e-mailed to the Service. However, many of the biologists and volunteers take hard copies of the form to the monitoring sites and complete the forms in the field. Many choose to submit hard copies of the forms to the Service rather than retyping and submitting electronically.

- 4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.***

There is efficiency rather than duplication of effort in the case of the Service's monitoring plan. In most States these data are already being collected; the FWS monitoring plan merely unifies the data being collected for a subset of nests and maintains and analyzes those data in a uniform way.

- 5. *If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.***

There is no impact on small businesses because the work is done by public employees and volunteers.

- 6. *Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.***

Failure to collect these data as established in the monitoring plan, or at all, would be a failure of the Service to uphold its responsibilities under the ESA. The information collected is subject to the Privacy Act and is maintained by the Division of Migratory Birds and State Programs, Portland, OR. Reports are prepared of the results every 3 years, after the periodic monitoring is conducted, as specified in the monitoring plan.

7. ***Explain any special circumstances that would cause an information collection to be conducted in a manner:***
- * requiring respondents to report information to the agency more often than quarterly;***
 - * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;***
 - * requiring respondents to submit more than an original and two copies of any document;***
 - * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;***
 - * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;***
 - * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;***
 - * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or***
 - * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.***

There are no special circumstances associated with this information collection in terms of unnecessary burden on the respondents. There are no circumstances that would require the collection to be inconsistent with the guidelines in 5 CFR 1320.5.

8. ***If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.***

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A 60-day notice of our intent to renew this information collection requirement was published in the Federal Register on January 3, 2005 (70 FR 101) inviting public comment. In addition to publishing a Federal Register notice, we contacted seven non-Federal biologists who have used

the forms previously and asked them to review each of the three forms associated with peregrine falcon monitoring and to comment on the clarity and relevance of the information collection, the burden associated with the collection, and whether there is something the Service could do to minimize the burden.

We received one comment from an individual and comments from two States on the Federal Register notice. The individual did not express an opinion on the information collection itself, but took issue with the original delisting of peregrine falcons in 1999. One State supported the collection of American peregrine falcon monitoring data and stated that the information will have tremendous practical utility for both the State and the Service. That State supports the submission of forms via e-mail and also agreed with our burden estimates for completing the monitoring forms, but commented that the data collection itself could take more than 1 day.

The other State commented that we should request OMB approval for the entire time frame needed for peregrine monitoring (until 2015) rather than submit several requests. This is not an option. The maximum for which OMB can approve information collections is 3 years. The State was also concerned that while the burden hours for completion of the forms was accurate, the Service does not account for the time necessary to locate, access, and monitor falcon eyries. The State considered this especially true for contaminants monitoring. The State recommended that we reevaluate the estimate of burden to incorporate these important aspects of monitoring and data collection.

In response to the comments, we have included an estimate of burden hours to account for the time it takes to visit territories and record nest monitoring data. Most States and volunteers would be collecting these data regardless of the Service-sponsored peregrine falcon monitoring effort. Nevertheless, we added this burden estimate to account for this time in cases where new efforts take place across the nation just for this monitoring. Burden estimates for contaminants monitoring were not revised to account for the time it takes to visit eyries. While it is true that contaminants samples must be collected at the nest, which is very often difficult to reach, it is also true that the data are collected incidental to other activities already taking place in the nest. Very rarely, if ever, is a nest visited for the sole purpose of collecting contaminants samples. Most frequently, nests are visited to band the young and clip the feathers. Addled eggs are collected opportunistically at this time. Thus, we made no additional calculations of burden hours for collecting samples for contaminants monitoring. We did, however, revise the estimate of burden hours to account for the time it takes to process contaminants samples.

The comments we received from our outreach effort were generally favorable and included some helpful suggestions for improvement of the forms. The commenters estimated the burden hours for completing the monitoring forms to be less than the hours we previously estimated. We contacted the following persons:

First Name	L Name	Title	Address	City	State	Zip	Phone
Laurie	Hanauska-Brown	Wildlife Biologist-IDFG	4279 Commerce Circle	Idaho Falls	ID	83401	208-525-7290
Frank	Isaacs	Professor, emeritus OSU	580 Dampier Dr.	Philomath	OR	97370-9368	541-929-7154
Jay	Sumner	Montana Peregrine Institute	Box 317	Arlee	MT	59821	406-726-3591
Don	Youkey	District Wildlife Biologist -- Wenatchee R.	600 Sherbourne	Leavenworth	WA	98826	509-548-6977 ext 271
Douglas	Bell	Department of Biology, CSUS	6000 J St	Sacramento	CA	95819-6057	
Kathy	Clark	Principal Zoologist - - NJ Division of Fish & Wildlife	2201 Route 631	Woodbine	NJ	8270	609-628-2103
Mary	Bunch	South Carolina Dept. of Resources	153 Hopewell Road	Pendleton	SC	29670	

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are given to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurances of confidentiality are provided to respondents.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a sensitive nature are asked in the forms.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.***
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.***

Total burden hours are estimated separately for the three forms in the table below. Nest monitoring is conducted every 3 years, and samples for contaminants monitoring are collected opportunistically (but some samples are collected each year). Thus, summing burdens hours for each form to estimate an annual total creates an over-estimate of annual burden and of the annual number of respondents. The bulk of the work to monitor peregrine falcons happens only every 3 years. In response to comments from two States, we have included an estimate of burden hours to account for the time it takes to collect the information for nest monitoring.

There is considerable variation in the time it takes to reach a territory and record observations, both within a monitoring region and across all monitoring regions. Some territories require more than a day to reach by car or other means; others are more easily reached and in proximity to one or more additional territories that could be visited the same day. We estimate, on average, that an observer spends 10 hours visiting a territory and recording data, and that 3 such visits are made per monitoring season for all 494 territories. Monitoring, however, occurs once every 3 years, thus Total Annual Responses in the table below is 494 (494 territories times 3 visits per monitoring season divided by 3 to annualize the 3-year monitoring interval).

Respondents to the survey indicated that the time to fill out the contaminants monitoring forms was less than previously estimated. However, previous calculations failed to account for the time it takes to process samples and mail them to the appropriate locations. The Average Burden Hours per Respondent in the table below has been increased over previous estimates to reflect these duties of volunteers collecting contaminants samples.

In some cases, contaminants forms begun by non-Federal workers might be completed by Federal employees. This occurs because the collector fills out initial information on the form, who they are, where the egg was collected, etc, but is incapable or unqualified to process the sample properly. The collector then sends the sample to a designated contaminants lab which then finishes processing the sample and filling out the form. Sometimes these labs are Federal. The mix of Federal and non-Federal workers filling out forms makes estimating burden to the public somewhat complex. The estimates below assume the public will complete the forms to remain conservative in our estimate of total burden hours.

The "Total Annual Responses" updates the estimated total for the previous information collection approval, which was 90, 110, and 135 hours for the years 2002, 2003, and 2004, respectively. Those previous estimates were made before the monitoring interval and scope of the National monitoring plan had been finalized. The sum in the table below is larger, reflecting the National scope of this program, the large number of volunteers who participate, and the new accounting for the average time it takes to reach a territory and monitor it. The Average Burden Hours per Respondent to fill out the forms has actually been lowered, based on the response to our outreach effort (see item 8, above).

Monitoring Forms Name	Form #	Total Annual Responses	Average Burden Hours Per Respondent	Annual Burden Hours
Nest Monitoring Form (to fill)	3-2307	494	0.25	123.5
Nest Monitoring Form (to collect data)			10	4,940
Egg Contaminant Sheet	3-2308	12	1	12
Feather Contaminant Sheet	3-2309	12	0.5	6
Total		518		5081.5

An estimate of the annualized cost to volunteers, assuming a wage of \$20/hour, is \$101,630 for the hours required to collect data and fill out forms for the National Peregrine Falcon Delisting Monitoring Plan.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * *The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
- * *If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- * *Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

Non-hour costs are incurred when contaminants samples must be shipped to designated labs for analysis and storage. Shipping contaminants samples is estimated to be \$10 per sample, including the cost of 'blue ice' or other suitable cold-pack, and overnight mailing. Twenty-four samples are shipped per year, for a total annualized shipping cost of \$240.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Federal money is provided to Service offices for National and Regional coordination, and to State wildlife agencies for conducting the surveys. This relationship stems from the requirement in ESA to conduct post-delisting monitoring in cooperation with States for not less than 5 years (Section 4(g) ESA). In 2003, costs per nest monitored averaged \$606.78 per territory, for 494 territories; actual costs in each monitoring region varied considerably because of differences in terrain and accessibility of nests. The overall cost every 3 years (the monitoring interval for peregrines) includes three categories: Cost per territory submitted by each regional coordinator ("Monitoring Request" in table below), Regional Coordination, and National Coordination. Those costs for 2003 are summarized below. Costs in future monitoring years are expected to be similar.

Annualized Cost Table (thousands)		
	3-yr \$	Annual \$
Monitoring Request	\$299.75	
Regional Coordination	\$23.0	
National Coordination	\$30.0	
Total	\$352.75	\$117.58

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The annual burden hours in item 13 have increased from 270 to 5,082. This reflects our adjustment to include the time required for data collection for nest monitoring.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Data will be published after each 3-year monitoring effort. Publication of results will follow standard publication guidelines of peer-reviewed journals, and will appear first in Federal Government publications, e.g., the Biological Technical Publications series of the Service, but will likely be published in standard peer-reviewed journals after two or more monitoring seasons (i.e. starting after 2006).

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking approval to omit displaying the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection of information does not employ statistical methods.